

**Maine Revised Statutes**  
**Title 17-A: MAINE CRIMINAL CODE**  
**Chapter 23: OFFENSES AGAINST THE FAMILY**

**§556. INCEST**

1. A person is guilty of incest if the person is at least 18 years of age and:

A. Engages in sexual intercourse with another person who the actor knows is related to the actor within the 2nd degree of consanguinity. Violation of this paragraph is a Class D crime; or [2001, c. 383, §70 (NEW); 2001, c. 383, §156 (AFF).]

B. Violates paragraph A and, at the time of the incest, the person has 2 or more prior Maine convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this paragraph is a Class C crime. [2007, c. 476, §25 (AMD).]

[ 2007, c. 476, §25 (AMD) .]

**1-A.** It is a defense to a prosecution under this section that, at the time the actor engaged in sexual intercourse with the other person, the actor was legally married to the other person.

[ 1989, c. 401, Pt. A, §7 (AMD) .]

**1-B.** As used in this section "sexual intercourse" means any penetration of the female sex organ by the male sex organ. Emission is not required.

[ 1989, c. 401, Pt. A, §7 (NEW) .]

**1-C.** As used in this section, "related to the actor within the 2nd degree of consanguinity" has the following meanings.

A. When the actor is a woman, it means the other person is her father, grandfather, son, grandson, brother, brother's son, sister's son, father's brother or mother's brother. [2001, c. 383, §71 (NEW); 2001, c. 383, §156 (AFF).]

B. When this actor is a man, it means the other person is his mother, grandmother, daughter, granddaughter, sister, brother's daughter, sister's daughter, father's sister or mother's sister. [2001, c. 383, §71 (NEW); 2001, c. 383, §156 (AFF).]

[ 2001, c. 383, §71 (NEW); 2001, c. 383, §156 (AFF) .]

2.

[ 2001, c. 383, §156 (AFF); 2001, c. 383, §72 (RP) .]

**SECTION HISTORY**

1975, c. 499, §1 (NEW). 1975, c. 740, §72 (AMD). 1977, c. 510, §57 (AMD). 1989, c. 401, §A7 (AMD). 1993, c. 451, §3 (AMD). 2001, c. 383, §§70-72 (AMD). 2001, c. 383, §156 (AFF). 2007, c. 476, §25 (AMD).

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